



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,934	02/17/2004	Simon Bowie-Britton	14846-48	9356

28221 7590 11/08/2007
PATENT DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

EXAMINER

WILSER, MICHAEL P

ART UNIT	PAPER NUMBER
----------	--------------

2195

MAIL DATE	DELIVERY MODE
-----------	---------------

11/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,934

Applicant(s)

BOWIE-BRITTON, SIMON

Examiner

Michael Wilser

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/17/04 & 5/8/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are pending in this application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 200 in Figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (e.g. DASD etc.) throughout the specification without first including a description in plain text, as required.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following claim language is vague or indefinite:

(i) As per Claims 1 and 17, line 7 states the limitation "repeating". It is unclear as to how the system is to continue "repeating". If the list never becomes empty step c

would never be completed. Therefore if the system is continually receiving and repeating the list would never become empty.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 12-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

2. As per claim 12, although the preamble of the claims recite "system", the body of the claims include software components such as "list" and "Q-Manager". Claims 12-16 neither include any computer hardware components nor positively recite that the cited software components are stored on a computer medium that can be read by a machine.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 7-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Sandadi et al. (US 2003/0225870).

5. As per Claim 1, Sandadi teaches the invention as claimed including a method for managing successful completion of a network of processors (page 2, paragraph 10), comprising:

a. receiving a message indicative of either creation or deletion of one of the processes (page 1, paragraph 5);

b. updating a list of active processes in the network based on the received message (abstract, lines 8-10);

c. repeating steps a and b until the list is empty (page 1, paragraph 5); and

d. sending a notification message indicating completion of the network or processes (abstract, lines 18-19).

Art Unit: 2195

6. As per Claim 2, Sandadi further discloses the notification message is sent to an initiating process (page 2, paragraph 10).

7. As per Claim 3, Sandadi further discloses the initiating process is the root process of the network (page 2, paragraph 10).

8. As per Claim 7, Sandadi further discloses the result information is written to persistent storage after the notification message is received (page 3, paragraph 25).

9. As per Claim 8, Sandadi further discloses the step of updating the list includes adding to the list information identifying a process to be created (page 2, paragraph 8).

10. As per Claim 9, Sandadi further discloses the step of updating the list includes deleting from the list information identifying a process to be deleted (page 2, paragraph 8).

11. As per Claim 10, Sandadi further discloses at least one of the processes is executed in a thread different from a thread used to execute another of the processes (page 4, paragraph 28).

12. As per Claim 11, Sandadi further discloses the received messages are received in event order (page 5, paragraph 41).

13. As per Claim 12, Sandadi teaches the invention as claimed including a system for managing successful completion of a network of processes (page 2, paragraph 10), comprising:

- a. a list of active processes (abstract, lines 8-10); and
- b. a Q-Manager for keeping track of the state of the network processes, wherein the Q-Manager updates the list of active processes to reflect the state of the network of processes, and sends a notification message when processing is determined to have completed (page 1, paragraph 8).

14. As per Claim 13, Sandadi further discloses processing is determined to have completed when the list of active processes is empty (abstract, lines 18-19).

15. As per Claim 14, it is rejected for the same reason as Claim 2 above.

16. As per Claim 15, Sandadi further discloses the Q-Manager receives messages indicating whether events are created or consumed (page 1, paragraph 5).

17. As per Claim 16, it is rejected for the same reason as Claim 11 above.

18. As per Claim 17, it is rejected for the same reason as Claim 1 above.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandadi et al. (US 2003/0225870) in view of Leymann et al. (US 2001/0049712).

21. As per Claim 4, Sandadi does not explicitly disclose that the network is represented as a directed acyclic graph. However, Leymann discloses a method in which processes are represented by an acyclic graph (page 2, paragraph 43).

22. It would have been obvious to one of ordinary skill in the art at the time of invention to have represented the processes in Sandadi as an acyclic graph. One would have been motivated to represent the processes as an acyclic graph since it is a common way of representing computer processes and workflow in an easily understandable way within the computing arts.

Art Unit: 2195

23. As per Claim 5, Leymann further discloses the processes are represented as nodes of the graph (page 2, paragraph 43).

24. As per Claim 6, Leymann further discloses the events are represented as edges of the graph (page 2, paragraph 43).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Wilser whose telephone number is (571) 270-1689. The examiner can normally be reached on Mon-Fri 7:30-5:00 EST (Alt Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2195

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MPW

September 21, 2007



MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100